THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22452 of 2006

Dated: 27-04-2007

Between:

G. Ravinder Reddy and others.

..... PETITIONERs

AND

The Grampanchayat, Gurramgude Village, Saroornagar Mandal,
Ranga Reddy District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22452 of 2006

ORDER:

The petitioners are residents of Gurramguda Village, Saroornagar Mandal, Ranga Reddy District. They allege that there was 30 feet wide road in the Village in survey Nos.144 and 145, which was subsequently widened to 66 feet. Respondents 3 and 4 encroached upon the road and were raising constructions. When the petitioners sought redressal by making representation/complaint, respondents 1 and 2 did not take any action nor removed the obstruction caused by respondents 3 and 4. Therefore, they seek a writ of Mandamus directing respondents 1 and 2 to remove obstruction on the road.

At the stage of admission itself, respondent No.3 filed a counter-affidavit. The case of third respondent is that the land on which road was formed was

acquired from respondents 3 and 4, that the existing road is only 30 feet wife, that first respondent Gram Panchayat granted permission for construction after verifying all the facts and that the writ petition is filed without disclosing true facts.

First respondent Gram Panchayat has not filed any counter-affidavit. However, the learned standing counsel for first respondent Gram Panchayat does not dispute that if there is any encroachment on the road, it is always open to the Gram Panchayat to take necessary action under Section 98 of the Andhra Pradesh Panchayat Raj Act, 1994. This Court, therefore, observes that first respondent Gram Panchayat may conduct enquiry into the complaint made by the petitioners after giving notice to respondents 3 and 4. If it is found that respondents 3 and 4 encroached upon the road or the road margin, it is always open to first respondent Gram Panchayat to initiate action as per Law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

27th April, 2007
ghn